

MINUTES OF MARION CITY COUNCIL
PUBLIC HEARING 6:00 P.M.
REGULAR MEETING 6:30 P.M.
TUESDAY, JUNE 12, 2012

A Public Hearing was held by City Council on June 12, 2012 in the Council chambers at City Hall at 6:00 p.m., over which Mayor Rodney Berry resided. Council members Michael Baker, Ronald Atkinson, Bobby L. Davis, Ralph Atkinson, Betsy Atkinson and Odessa Gregg were in attendance. Also present were Mr. Alan Ammons, Mrs. Patricia Brown, and Attorney Robert Lee.

Mayor Berry called the Public Hearing to order and opened the floor for questions regarding **Ordinance 12-04 - AN ORDINANCE TO SET MILLAGE FOR RAISING FUNDS AND TO ADOPT THE BUDGET FOR THE CITY OF MARION, FISCAL YEAR ENDING JUNE 30, 2013 and ORDINANCE 12-05 - AN ORDINANCE TO APPROPRIATE LOCAL HOSPITALITY REVENUES FOR THE CITY OF MARION FOR THE 2012-2013 FISCAL YEARS.** Hearing no questions or comments regarding these ordinances, Mayor Pro-Tem Ronald Atkinson made a motion to close the Public Hearing, seconded by Councilman Bobby Davis; motion carried.

At 6:30 p.m. the regular meeting was called to order by Mayor Berry, with all Council members in attendance. Councilwoman Gregg gave the opening prayer and Mr. Ammons led the Pledge of Allegiance. Mayor Berry welcomed all guests and the press (Hometown TV and the Star/Enterprise).

Mayor Berry welcomed Duke Intern Priyang Shah who will be helping out around City Hall, the Marion County Healthcare Foundation and the Marion County Economic Development office. He will be here 10 weeks.

Before minutes were approved, Councilwoman Gregg asked for and had minor change made on page 2 of the regular minutes.

Also before approving the minutes, Mayor Berry asked to make an amendment to the Agenda (19.) to allow Ms. Rowell to speak on behalf of Ms. Davis. Motion made by Councilman Davis to accept Agenda change, seconded by Councilwoman Atkinson; motion carried

Councilman Michael Baker made a motion to accept the minutes from the regular meeting on May 8, 2012 and the special meeting on May 16, 2012, seconded by Councilwoman Betsy Atkinson; motion carried.

Miss Ashley Williams was not present to accept her Proclamation.

Chip Scruggs, on behalf of Revelation Ministries, made a request to present a Christmas Production for the City of Marion to celebrate the season and would like use of CD Joyner Auditorium on December 7, 8 , 9 (with the 9th being a Sunday Matinee') and also December 14, 15, 16 (with the 16th being a Sunday Matinee'). The production will be free to the public and fundraisers will be held to raise money needed for the production. Mayor Berry commented that practice dates would need to be provided to Frank Page to make sure the auditorium would be available. Auditions are planned for September 1, and no one will be turned away. October 1 will be set construction day and the set will be pushed behind the curtains and out of the way until needed. Mayor Berry stated that since the City will partner with this, we would advertise in all of our venues. Councilman Davis made a motion to let Revelation Ministries use the CD Joyner Auditorium for their program, seconded by Mayor Pro-Tem Atkinson; motion carried.

Regarding the request for Marion County Civil Court to be held in Council Chambers the week of July 16, 2012; Councilman Ronald Atkinson made a motion to accept the request, seconded by Councilwoman Atkinson. The motion carried.

Councilman Bobby Davis spoke on the numerous contributions Bethea Transport has made to the whole of Marion County, including a tremendous number of bicycles, tricycles and many other toys during the Christmas holidays. Councilman Davis is asking for Council to approve a Resolution for Bethea Transport for their generosity in giving back to the community. Councilman Baker made a motion to approve the Resolution for Bethea Transport, seconded by Councilman Ronald Atkinson; motion carried. The Resolution will be presented at the July meeting.

Councilman Davis spoke on the many good things regarding the Miss Marion County Pageant contestants and winners and asked that Council recognize them. He would like to recognize Miss Marion County Jessica Coleman and Miss TEEN Marion County Tammy White with a Resolution and would also ask that Council allow them to come and speak on their platform (Miss Coleman- Fighting Cancer and Miss White – Empowerment) as they will be representing us around the County and State. Councilman Davis would also like Letters of Recognition for all contestants. Councilman Baker made a motion in accordance with Councilman Davis's request, seconded by Councilwoman Atkinson; motion carried. Councilman Davis would like to present these at the July meeting.

At this time, Mayor Berry recognized that Miss Ashley Williams was now present and called her forward to accept a Proclamation in honor of her achievements and successes. On behalf of the Mayor and City Council, the Proclamation was read by City Treasurer Patricia Brown. Upon accepting, Miss Williams was met with much applause.

Councilwoman Gregg addressed some citizen concerns including the numerous flooding problems in various areas, including the area on Bobby L. Davis Blvd that houses Ms. Renee' Davis' s Daycare. When it flooded the children could not get in and out of the daycare and had there been an accident in that home and they had to get out, some of the kids could have drowned in that water. If Councilwoman Gregg had gotten out of the car, water would have been up to her knees. Mr. Ammons told her this was being worked and she appreciates it. Councilwoman Gregg commented that she attended the (Marion County Day) Job Fair and Health Fair and thought it was very well attended. Councilwoman Gregg was introduced to Governor Haley and they shared some thoughts about education and scarcity of jobs in Marion County. As Southern ladies usually do, they hugged and said to each other "God Bless". Councilwoman Gregg offered to give Mrs. Ellen Baldwin's "school supplies program" \$200 of her \$600 that each Council member is given for use in their district. Councilwoman Gregg stated that for the last two meetings she has talked about cultural diversity and people have genuine concern for the citizens of Marion. Councilwoman Gregg made a motion that within the next 30 days, this City Council has some diversity training, seconded by Councilman Davis; motion carried by 4-3 vote. Mayor Berry, Council members, Gregg, Davis and Baker voted **yes**; Council members Ronald Atkinson, Ralph Atkinson and Betsy Atkinson voted **no**. Mayor Berry commented that even though he cast the deciding vote to carry the motion, what we need to understand is we all have differences of opinion and sometimes that is reflected in how we vote. Mayor Berry further commented that he does not think anyone on Council is insensitive when it comes to diversity.

Councilman Ralph Atkinson made a motion to give 2nd Reading to ***Ordinance 12-04 - AN ORDINANCE TO SET MILLAGE FOR RAISING FUNDS AND TO ADOPT THE BUDGET FOR THE CITY OF MARION, FISCAL YEAR ENDING JUNE 30, 2013,*** seconded by Councilwoman Atkinson. When asked if there was any discussion, Councilman Davis mentioned, for the record, that he would vote in favor of the budget but wanted to make the observation that "more thought should have been given into creating another position in the Recreation Department, as that increased the budget; we are not paying the same that we would have paid a person if we just filled a vacant position, so we are actually creating a position and I have some concerns about that." With no further discussion, the motion carried.

Councilman Ronald Atkinson made a motion to give 2nd Reading to ***Ordinance 12-05 - AN ORDINANCE TO APPROPRIATE LOCAL HOSPITALITY REVENUES FOR THE CITY OF MAIRON FOR THE 2012-2013 FISCAL YEAR,*** seconded by Councilman Ralph Atkinson. When asked if there was any discussion, Councilman Baker had concerns about the \$30,000 allocated that Council has no say so as to how the money is spent and wish that there was some way it could come before Council before it is spent. Mayor Berry stated that every dime spent is set before Council, but at times decisions have to be made quickly and if the money is being spent

for its designated purpose of advertising and promotions to bring people into the City of Marion, then no vote is needed. Councilman Davis agreed with Mr. Baker's concern and stated that we do not and have not known every time that money (\$30,000 in Advertising and Promotions) was used and what it was used for. Mayor Berry responded that the money cannot be used in any way; it has to be used to draw tourism inside the city limits of Marion and has to be by way of Hospitality guidelines. The guidelines are very specific and before we spend that money, we ordinarily get an opinion from the Ethics Commission to make sure the money is being spent properly. Councilman Baker is concerned that Council and the public are being informed of events, etc. at the same time via marquees and billboards around town and feels that the Council should be made aware prior as to be able to address questions the residents may have about events. Councilman Davis commented that to prove Council doesn't know what the money is spent for, they had no clue that \$4,500 was used for a Francis Marion film production. This Council did not approve it and had absolutely no knowledge of it. We didn't know about the money pulled out to be used for *Thursday Night Live* until it was actually taking place and Mrs. Patricia knows that and everyone sitting on this Council knows we never approved a film production and we have never approved any money for *Thursday Night Live*. Councilman Davis further commented that it's not a false statement, we do not know where that money is being spent most of the time, until it's spent, and we look at the invoices. Mayor Berry responded that Thursday Night Live was paid for by sponsorships and the City didn't spend any money on that. The General Francis Marion film was bought by sponsorships. None of that money, zero, the minutes and the budget will reflect that, no money was spent by the City of Marion. Councilman Davis asked Mrs. Brown to tell them truthfully, when he came and pulled the records from her, if she could account for every dime being spent by someone else's donation or did she tell him (Mr. Davis) that this was the balance the City spent. Mrs. Brown responded that the City did spend a very small amount. Mayor Berry responded that he stood corrected, the City spent \$100 and worries about someone that wouldn't support the arts in Marion. Councilman Davis responded to Mayor Berry stating, "It's not that we're not supporting, it's that you need to tell the people the truth." Mayor Berry stated, "That's simply the truth." With no further discussion, the motion carried by a 6-1 vote, with Councilman Baker voting **no**.

Regarding the Audit Proposals, Mr. Ammons commented that Council had received copies of two bids, one from Holt & Holt in Florence and one from Kenneth Cobb & Company in Mullins. Councilman Davis made a motion to accept the low bid from Holt & Holt, seconded by Councilman Baker; motion failed by a 3-4 vote with Councilman Davis, Councilman Baker and Councilwoman Gregg voting **yes** and Mayor Rodney Berry, Councilman Ronald Atkinson, Councilman Ralph Atkinson and Councilwoman Betsy Atkinson voting **no**. Councilman Ralph Atkinson commented that when reviewing the bids, that it appears on the surface that Holt & Holt might have the low bid, but when you factor in other things such as cost per hour for partner hours spent, that once the final

audit is done, then Kenneth Cobb might be the lower cost. Councilman Atkinson further commented that Kenneth Cobb is located in Marion County, employs local people and are familiar with the City as they have been doing the audit for over 15 years. Therefore Councilman Ralph Atkinson makes a motion to accept Kenneth Cobb & Company's bid, seconded by Mayor Pro-Tem Atkinson. Councilman Baker asked for clarification on Councilman Atkinson's comments regarding the cost of partner hours and stated that staff hours should also be included. City Treasurer Patricia Brown responded that Kenneth Cobb allowed for 29 more hours. Councilman Davis stated that if Holt & Holt went over their hours, their staff charges would be \$20 to \$40/hour whereas Cobb & Company is going to charge \$70/hour. Councilman Davis further stated that we should be completely open with the public and tell them what we're talking about and "compare apples to apples and oranges to oranges", because we're not doing that when we say "in the end it may be less". Councilman Baker inquired as to where Mr. Ammons had talked to MASC about their recommendation, to which Mr. Ammons stated that he had not, but there was a copy of the article by Eric Budz of MASC in their packets. Councilman Baker commented that it was their (MASC) recommendation that we change auditors every few years. Councilman Davis also commented that in the Institute of Government that USC and Clemson teach, they teach that auditors should be changed every so often as to have a fresh set of eyes look at the City's budget and monies that are being spent. Councilman Baker commented that everything we bring in from MASC is MASC's recommendation. With no further discussion, motion carried by a 4-3 vote with Mayor Berry, Councilman Ronald Atkinson, Councilman Ralph Atkinson, Councilwoman Betsy Atkinson voting **yes** and Councilman Bobby Davis, Councilman Michael Baker and Councilwoman Odessa Gregg voting **no**.

Regarding bids for the bush hog side cutter, Mr. Ammons stated that we received only 2 bids; Sparrow-Kennedy submitted a proposal of \$9,966 , Mullins Truck and Tractor \$10,399 and Altman Tractor no bid. Councilman Ronald Atkinson made a motion to accept the bid by Sparrow-Kennedy for \$9,966, seconded by Councilman Ralph Atkinson; motion carried.

ADMINISTRATOR'S REPORT

Mr. Ammons gave an update on the Capital Sales Tax Projects, stating that we came out with a little over \$2.3 million for projects in the City of Marion. It has been sent to County Council who has already given 1st Reading, with 2nd Reading being held this morning. They will have a 3rd Reading and then it will be ready for the ballot.

We are back on track with Fox Watch, with a meeting scheduled for Tuesday, June 26 at 5:30 p.m. at MPD to reorganize and have the committee members meet with our Police Department in order to formulate a better working relationship.

The Voucher Committee met and approved the applications that citizens will use to apply for assistance. We had several applications from USDA to use as guidelines to formulate our application. The e Voucher Committee will meet again on June 26 at 6:00 p.m. in the Conference Room at City Hall. The Chairman of the committee will be elected at that time.

Mr. Ammons asked to skip the CDBG – Storm water at this time and will come back to it.

Attorney Lee commented that upon reviewing the Redistricting Plan, (the Benchmark Plan is the current District map) it was discovered that the Proposed Plan 1 had drawn Councilman Davis out of his District 4 and into District 5, even though correct addresses had been provided to the State. We would like for Council make a motion to send this back and have it redrawn to put everyone in their proper districts. Once the new plan comes back, the Mayor will call for a workshop to have you look it over and make any changes. After a brief discussion on the how the population numbers for the districts was determined, Councilman Baker made a motion to send the map back with a comment that whenever this is received back, please send it to the Council members because this was received on May 15 and we are just getting it tonight, even if you have to make notes of any errors on the map. Mr. Ammons commented that she (Ms. Jones) had already contacted them about the problem and was trying to get a new map before the Council meeting. Councilman Baker stated that was fine, but at least let them know as they had been waiting for 8 months. Councilman Davis seconded the motion; motion carried.

Mr. Ammons stated that he had worked with Mr. Davis and Mrs. Gregg over the past few weeks on the storm water problems. We have been working to clean out the ditches and other areas. For some time now, we have requested help from other agencies that this belongs to, but we are doing it ourselves and it has already made a tremendous difference. The Mayor has been able to obtain C-fund money to do the culvert across Bobby L Davis to the outflow ditch that goes to Catfish. That project is currently being advertised and we will have the bids for your approval at the next meeting. That project will take about 2 weeks. Mr. Ammons stated that he appreciates Mrs. Odessa keeping him informed so he will know what the trouble spots are. As of today, there is 200 feet of pipe being laid on Phillips Street and should be completed in 3 or 4 days. The area from North Main to Withlacoochee Park with the 48" pipe where we have had trouble for some time, is also on bid and we should have all figures available for next month. Councilman Davis asked about another section of Phillips Street and Mr. Ammons stated that everything on that end of the street was working, but the problem is further down and that is where we're working now. In answering Councilman Davis's question regarding the ditch behind the house on Bobby L. Davis Blvd, Mr. Ammons stated that the City was right now in the process of cleaning it out. Councilman Davis also inquired about the raw sewage on North Hampton and Lipscomb Street. Councilman Ronald

Atkinson commented that there was a problem on Northside in front of Dennis Mickey's house. Mr. Ammons responded that the problem on Northside was a sewer infiltration problem, not a storm drain problem. Councilman Davis stated that as City leaders, regardless as to whose problem it is, we should be addressing these problems as they are health hazards. Mr. Ammons explained that we have several areas that have had those problems for years when we did water and sewer ourselves. It is the infiltration of ground water that goes into the sewer pipes and comes out in the least point of resistance which are the manholes. Mayor Pro-Tem Atkinson commented that in the past we have brought the big blue truck to try and pump some of that out and clean up. Mr. Ammons commented that Grand Strand went the next day and cleaned everything up. Councilman Ralph Atkinson inquired as to whether or not we should make more use of the blue truck to which Mr. Ammons responded that the blue truck was being used every day with 2 employees. Councilwoman Gregg commented that if we don't address it and do something about it, it will be extremely embarrassing if it's reported to DHEC and we have not talked about it and gotten it corrected. Mr. Ammons commented that we do have some infra-structure problems and sludge problems and we have to get some type of maintenance program. We also have an on-going problem with litter which contributes to the drains being filled with cans, bottles, and a various assortment of trash, with which we need to get the public's help. Mr. Ammons stated that we need to identify problem areas and apply for some CDBG money. We received approval for a storm water master plan which we can narrow down to a storm water study and take the areas that Council has identified. The study will be approximately \$10,000 - \$15,000 and once the study is complete we can apply for CDBG monies for the areas that qualify. Councilman Davis inquired as to what was being done about Pine Street. Mr. Ammons responded that DOT had come in and replaced pipes at the north end and at the south end and that Pine Street will be one of the streets that will be replaced the entire distance because of the trees growing into the pipes. Mayor Berry encouraged Council to identify their locations and get them to Mr. Ammons quickly.

Lt. Thomas Graves of the Marion Police Department was named May Employee of the Month and was given a gift certificate.

CITY ATTORNEY'S LEGAL UPDATE

Attorney Lee asked to add one item to the Executive Session regarding the County and at this time has no update for Open Session.

DEPARTMENTAL REPORTS

Mayor Berry stated that the Departmental Reports were in the Council's packets. Also, due to a request at last month's meeting regarding the crime report, there is a copy displayed for those who are interested.

ACCOUNTABILITY OF CITY OFFICIALS/COMMENTS FROM CITY COUNCIL AND MAYOR

Councilman Baker had no comment at this time.

Mayor Pro-Tem Atkinson had no comment at this time.

Councilman Davis offered congratulations to Miss Ashley Williams on her accomplishments. Councilman Davis commented that he enjoyed having the opportunity to assist Governor Haley's Health Fair and Job Fair and thought it was very good for our county.

Councilman Davis's only negative was that our grass (along 76) wasn't cut in time for our potential employers to see how beautiful Marion really is.

Councilman Atkinson had no comment at this time.

Councilwoman Atkinson had no comment at this time.

Councilwoman Gregg had no comment at this time.

Mayor Berry announced that the City of Marion had once again been named as *Tree City*. He also announced that David Bennett, former head coach at Coastal Carolina, would be putting on a free 3-day football clinic, sponsored by Anderson Brothers Bank. It is for kids ages 8-14 and as of now we have 100 kids signed up, from Marion and Marion County, as well as surrounding areas. Coaches from all high schools in the county will also be helping out. Mayor Berry offered his thanks to City Clerk Pam Jones for being the "go to" person for the Governor's Marion County Day. The Governor's Original 6 Foundation sent a list of persons they wished to invite to the round table discussion held 3 months ago. The Governor attended the meeting at the Opera House and heard our concerns for Marion County. Marion County Day was a big success with approximately 600 in attendance, including the Governor who was very pleased with the event. Councilwoman Gregg did not know the Governor was here (in March) and wanted to know why Council wasn't made aware of the meeting. Mayor Berry responded that the Governor's Foundation sent a list of who was to be invited, which did not include any Council members. Councilwoman Gregg and Councilman Davis expressed their displeasure at not being informed that the Governor would be in Marion to which Mayor Berry explained that this was at the request of the Governor's office that no one be informed, mainly due to security reasons. When asked by Councilman Davis how "those people just out of the streets in Marion who attended that particular meeting were invited and we're elected people representing the citizens of Marion and we knew nothing about it". Mayor Berry responded that the list was designed by the Governor and it was leaders throughout the community. They do things a little outside the box and were looking for new information from a very diverse group.

PUBLIC COMMENTS

Due to an earlier amendment to the agenda, Annie Mae Rowell spoke on behalf of Renee' Davis, owner of Tender Loving Care on Bobby L. Davis Blvd. Ms. Rowell addressed the issue of the flooding and drainage problems at that location and also along other areas of Bobby L. Davis Blvd.

There is a problem with trash, including liquor bottles, beer cans, pine straw and other debris being washed from the field and into the grates and ditch and Ms. Rowell has paid people to come out and clean out the ditch behind her house. It is not safe for children to have to wade through this nasty water to get to their houses. Mayor Berry commented that he thinks it is probably the worst part in the City and we will have to give it constant attention. Mayor Berry thanked Ms. Rowell for her comments.

EXECUTIVE SESSION

Councilwoman Betsy Atkinson made a motion to enter Executive Session to discuss Contractual Matters regarding a Potential Lease Agreement, URS-Landfill, and Contractual Matter with the County, seconded by Councilman Ronald Atkinson; motion carried.

Upon returning from Executive Session, Mayor Berry stated that no action had been taken. Councilwoman Atkinson made a motion to return to Open Session, seconded by Councilman Ralph Atkinson; motion carried.

Due to the generosity of Dr. William Cheezem's generous donation of property to the City of Marion, Mayor Berry asked that Mr. Ammons have a plaque in Dr. Cheezem's honor placed in the building. Councilman Baker made a motion to approve the lease agreement with the stipulation that Mr. Ammons does a background check and if that is found favorable, we move forward. The motion was seconded by Councilwoman Atkinson, motion carried.

Regarding the Proposal from URS for JF Contractors to close the landfill for \$11,684, Councilman Ronald Atkinson made a motion to approve their invoice and therefore the landfill will be closed, seconded by Councilwoman Atkinson. Councilman Baker requested adding an addendum to the motion to state "in the amount of \$11, 684" because the original amount was \$48,000. Motion carried. Councilwoman Atkinson made a motion to allow Patricia to pay this from Capital Projects, seconded by Councilman Atkinson; motion carried.

ADJOURNMENT

Having no further business, Councilwoman Betsy Atkinson made a motion to adjourn, seconded by Councilman Ronald Atkinson; motion carried.

Mayor Rodney Berry

City Clerk Pam Jones

Taped: June 12, 2012